

By: Miklos, Anchia

H.B. No. 3252

Substitute the following for H.B. No. 3252:

By: Hernandez

C.S.H.B. No. 3252

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a lender in relation to certain high-cost home loans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 343, Finance Code, is amended by adding Section 343.207 to read as follows:

Sec. 343.207. LIABILITY OF LENDER AND ASSIGNEE FOR VIOLATION OF SUBCHAPTER. (a) In addition to other remedies provided by law, a lender who knowingly violates this subchapter is liable to a borrower for:

(1) actual damages arising from the violation;

(2) injunctive relief in relation to the violation;

and

(3) reasonable attorney's fees incurred by the borrower in seeking the damages, injunctive relief, or both.

(b) An assignee of a high-cost home loan is not liable for a violation of this subchapter by the assignor of the loan.

SECTION 2. This Act applies:

(1) only to a violation of Subchapter C, Chapter 343, Finance Code, as amended by this Act, that occurs on or after the effective date of this Act; and

(2) without regard to whether the loan to which the violation relates was made before, on, or after the effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2010.